

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

MARKHAM CONCEPTS, INC.; SUSAN GARRETSON;)	
and LORRAINE MARKHAM, individually and)	
in her capacity as Trustee of the Bill)	
and Lorraine Markham Exemption Trust)	
and the Lorraine Markham Family Trust,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 15-419 WES
)	
HASBRO, INC.; REUBEN KLAMER; DAWN)	
LINKLETTER GRIFFIN; SHARON LINKLETTER;)	
MICHAEL LINKLETTER; LAURA LINKLETTER)	
RICH; DENNIS LINKLETTER; THOMAS FEIMAN,)	
in his capacity as co-trustee of the)	
Irvin S. and Ida Mae Atkins Family)	
Trust; ROBERT MILLER, in his capacity)	
as co-trustee of the Irvin S. and Ida)	
Mae Atkins Family Trust; and MAX)	
CANDIOTTY, in his capacity as)	
co-trustee of the Irvin S. and Ida Mae)	
Atkins Family Trust,)	
)	
Defendants.)	

ORDER

WILLIAM E. SMITH, Chief Judge.

This case is before the Court on Plaintiffs' Motion to Compel Discovery (ECF No. 129) and Motion for Attorneys' Fees (ECF No. 144).

In the former, Plaintiffs complained that Defendants Dawn Linkletter Griffin, Sharon Linkletter, Michael Linkletter, Laura Linkletter Rich, and Dennis Linkletter (collectively, "Linkletter Defendants") had not timely responded to certain of Plaintiffs'

discovery requests. However, because the Linkletter Defendants answered these requests soon after Plaintiffs' filed their Motion to Compel, Plaintiffs' Motion to Compel Discovery is DENIED as moot.

And because the Linkletter Defendants served their requests prior to conferring pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, and while the Linkletter Defendants' had a motion to dismiss pending, their Motion for Attorneys' Fees is DENIED. See Pierce v. Underwood, 487 U.S. 552, 565 (1988) (noting that imposition of attorneys' fees for resisting discovery request inappropriate where "reasonable people could differ as to the appropriateness of the contested action" (brackets and quotations omitted)).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "WESMITH", written over a horizontal line.

William E. Smith
Chief Judge
Date: December 15, 2017